

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**WANDA MOSS,**

**PLAINTIFF**

**V.**

**NO. 2:04CV305-MPM-EMB**

**COLLIS FOODS, INC. d/b/a  
WAFFLE HOUSE,**

**DEFENDANT**

**REPORT AND RECOMMENDATION**

Upon further review of the file and record of this action, the Court finds plaintiff filed her application for leave to file suit under Title VII of the Civil Rights Act of 1964, without payment of fees, costs, or security and for appointment of counsel on October 22, 2004. By Order dated March 22, 2005, plaintiff's motion to proceed as a pauper was granted and her motion for appointment of counsel was denied. Plaintiff was directed to notify the Court in writing on or before April 6, 2005, should she desire to proceed with her lawsuit *pro se*. Plaintiff was warned that her failure to obey that Order would result in a recommendation that her case be dismissed.

It has been more than two months since plaintiff was required to inform this Court of her intention to proceed with this lawsuit, and there is no record that plaintiff has made a request for additional time to respond or otherwise made any contact with the Court. Accordingly, I find that plaintiff has lost interest in this lawsuit; and it is hereby recommended that this case be dismissed for plaintiff's failure to obey an order of the Court and for her failure to prosecute under FED.R.CIV.P. 41(b).

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The

parties are warned that any such objections are required to be in writing and must be filed within ten days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this, the 24th day of June, 2005.

/s/ Eugene M. Bogen  
U. S. MAGISTRATE JUDGE